

Application No. 10/692,341
Filed: October 23, 2003
TC Art Unit: 1744
Confirmation No.: 8538

REMARKS

The present amendment is submitted in response to the official action dated November 17, 2005. Reconsideration of the application, as amended, is respectfully requested. All objections and rejections of the Examiner are respectfully traverse.

All pending claims in the application stand rejected. Following entry of this amendment, claims 1, 2, 4, 6 and 8-19 remain pending. Claims 1 and 17 are independent. Claims 1, 2, 4, 6, 8, 9, 12, 15 and 17 have been amended.

Claim 19 has been added.

Claim 7 was objected to as being of improper dependent form for failing to further limit the subject matter of independent claim 1. Claim 7 has been cancelled. Accordingly, the objection to claim 7 has been overcome.

Claim 9 stands rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claim 9 has been amended to depend from claim 1 rather than claim 8. In view of this amendment, Applicant respectfully submits that the rejection under 35 U.S.C. §112, second paragraph, has been overcome.

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The Rejection of Claims 1-4, 6, 7, 10, 12-14, and 16 over Fassler

Claim 1 was rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,365,380 to Fassler ("Fassler"). Claim 1, as amended, is directed to a novel grill brush including, *inter alia*, a plurality of deformable metallic bristles mounted to and extending from said first surface of said head portion, said plurality of deformable metallic bristles being disposed in a plurality of generally parallel and alternating first and second rows, said bristles in said first rows having a length greater than the length of the bristles in said second rows. As recited in the claim, Applicant's novel grill brush structure provides a wide surface of bristles having longer bristles and shorter bristles arranged in alternating parallel rows so as to provide an effective and efficient brush for cleaning a wide grill grate having a plurality of parallel spaced grill bars.

Fassler does not disclose or suggest the subject matter recited in claim 1. Unlike claim 1, which recites a plurality of alternating rows of longer and shorter bristles, the Fassler patent discloses outer rows 16 of long bristles and a center row 18 of shorter bristles disposed between the outer rows 16. As apparent from Figs. 3 and 4 of Fassler, the Fassler structure requires that each grill bar be cleaned separately by sliding the

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Fassler brush lengthwise along the respective grill rod and then repeating this process for each rod within the grill grate. Such a process is clearly time consuming and inefficient. Fassler provides no suggestion or disclosure of the presently claimed structure in which pluralities of alternating parallel rows of bristles having longer and shorter lengths are arranged to permit the cleaning of a plurality of spaced grate bars of a grill grate at the same time. Since Fassler fails to disclose or suggest a plurality of second rows of shorter bristles separated by rows of longer bristles, Fassler does not anticipate claim 1.

Claims 2-4, 6, 7, 10, 12-14, and 16 depend directly or indirectly from independent claim 1 and are believed to be allowable at least for the reasons discussed above with respect to claim 1.

The Rejection of Claims 1-7, 17 and 18 over Dugrenier

Claim 1 also stands rejected as anticipated over U.S. Patent No. 4,286,349 to Dugrenier ("Dugrenier"). The Applicant respectfully traverses the rejection of the Examiner for the reasons set forth below.

Dugrenier discloses a broiler grill cleaning brush having a plurality of spaced steel pegs 14 arranged in a longitudinal line

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in a wooden block 11 and a plurality of clusters of wire bristles 12 embedded within the block 11 and on either side of the steel pegs 14.

While Applicant's claim 1 calls for a plurality of deformable metallic bristles being disposed in a plurality of generally parallel and alternating first and second rows, wherein the bristles in the first rows have a length greater than the length of the bristles in said second rows, Dugrenier does not disclose a plurality of parallel rows of shorter deformable metallic bristles separated by rows of longer deformable metallic bristles that are longer than the adjacent second rows. To the contrary, Dugrenier teaches a single line of steel pegs that are not deformable and a plurality of bristles on either side of the steel pegs that are of a single length. Accordingly, Dugrenier does not anticipate claim 1 since it does not disclose a plurality of parallel second rows of deformable bristles of the shorter length separated by a plurality of first rows of parallel deformable metallic bristles of longer length as called for in claim 1.

Claims 2-7, 17 and 18 depend directly or indirectly from independent claim 1 and are believed to be allowable at least for the reasons discussed above with respect to claim 1.

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The Rejection of Claims 1 and 10-12 over Carton and Fassler

Claim 1 also stands rejected as obvious over U.S. Patent No. 5,473,673 to Carton ("Carton") in view of Fassler. The Applicant respectfully submits that present claim 1 is not obvious over Carton in view of Fassler for the reasons set forth below.

As recognized by the Examiner, Carton does not disclose bristles of different lengths arranged in a plurality of generally parallel and alternating first and second rows as recited in claim 1.

As illustrated in Fig. 2 of Carton, all of the bristles of the Carton scrub brush are generally of a single length. Fassler teaches a center row of shorter bristles surrounded by adjacent inwardly angled rows of longer bristles. If one were to modify the Carton scrub brush in view of the teachings of Fassler, such would involve providing a single row of bristles having a length shorter than the surrounding bristles. Nowhere in either Carton or Fassler is there any suggestion or motivation to modify the Carton scrub brush to provide first and second pluralities of parallel and alternating first and second rows of bristles in accordance with the present Applicant's invention.

Furthermore, the orientation of the bristles as described in Fassler teaches away from the combination proposed in the official

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action. More specifically, Fassler teaches that the outer bristles be flaired inward to facilitate cleaning of every surface of the rod, including its bottom surface, by rotating the tool about the circular rod (col. 4, ll. 59-66). The inward angling of the outer rows of bristles in Fassler allows the bristles of the Fassler brush to scrub the bottom surface of the round grill rods the brush is rotated around the circular. If one were to modify Carton in accordance with the teachings of Fassler as suggested by the Examiner, when the brush is urged against a grill grate, one would not be able to rotate the hypothetical brush to clean the underside of the grate bars due to the width of the hypothetical brush and thus, the express purpose of the Fassler brush would largely be defeated.

Moreover, the inward angling of the outer bristles in Fassler permits the cleaning of the underside of the grill rods upon rotation of the grill brush bristles around a grill rod. The inwardly angled longer bristles produce a narrow opening between the ends of the opposing sets of longer bristles and a grill rod must be urged through this opening prior to use of the Fassler brush. While such a structure is feasible for a brush like that disclosed in Fassler that is intended for cleaning a single grill rod at a time, it is undesirable when attempting to clean multiple

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bars of a grill grate at one time. If multiple Fassler-like brushes were hypothetically oriented side by side, substantial pressure could be required to urge the longer inwardly angled bristles over plural grill rods, since the pressure required to urge the brush over a single rod would be multiplied by the number of rods that were engaged.

It is further noted that the only grill rods disclosed in Fassler are circular in cross-section which allows the longer Fassler bristles to slide around the upper curved surface of the rod upon engagement of the brush with the grill rod. As illustrated in applicant's Fig. 3, the claimed brush may also be used with grills having a generally planar top grill grate surface. The Fassler structure does not appear adapted for engagement with multiple parallel grill grate bars having flat top surfaces due to the narrowing of the opening between the longer bristles in the Fassler brush since the narrow opening presented by the inwardly angled Fassler bristles would tend to abut the flat top surface of the grate bars making brush engagement with the grate bars awkward. The applicant therefore submits that the proposed combination would thwart the benefits taught in the Fassler specification and would produce a structure that was not usable in accordance with the teachings of Fassler or in

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accordance with applicant's invention. Accordingly, the applicant submits that there is no motivation to combine the cited references.

In view of the foregoing, the applicant respectfully submits that the cited references do not support a prima facie case of obviousness. Accordingly, the applicant respectfully submits that present claim 1 is allowable over Carton and Fassler and that the obviousness rejection should be withdrawn.

Claims 10-12 depend from independent claim 1 and are believed to be allowable over Carton and Fassler at least for the reasons discussed immediately above with respect to independent claim 1.

The Rejection of Claims 15 over Carton, Fassler and Connor

Claim 15 stands rejected over Carton, Fassler and Daw. Claim 15 depends directly from claim 1.

For the reasons discussed above, the applicant respectfully submits that claim 1 is not obvious over Carton and Fassler. Connor does not materially add to the teaching of Carton and Fassler in any relevant respect with regard to claim 1. Connor does not teach or suggest alternating and parallel first and second rows of deformable metallic bristles wherein the first rows of bristles are longer than the second rows. Accordingly, none of the references, alone or in combination, provide any disclosure or

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suggestion of the subject matter recited in independent claim 1. The applicant therefore submits that claim 1 is allowable over the stated combination.

Claim 15 is dependent from claim 1 and is believed to be allowable over Carton, Fassler and Connor at least for the reasons discussed above with respect to claim 1.

The Rejection of Claims 8 and 9 over Fassler and Daw

Claims 8 and 9 stand rejected as obvious over Fassler in view of Daw. Claim 8 depends from claim 7, claim 7 depends from claim 4 and claim 4 depends from claim 1.

As discussed above with respect to the rejection of claim 1 over Fassler, Fassler does not disclose or suggest pluralities of first and second rows of metallic deformable bristles that are parallel and alternating, wherein the bristles in the first rows are longer than the bristles in the second rows. Fassler, unlike the presently claimed structure, is intended only for cleaning a single grate rod at one time.

Daw does not materially add to the teaching of Fassler since Daw discloses a barbecue grill brush having a single length of bristles. Moreover, the combination of Fassler and Daw would defeat the express objects of Fassler for the reasons discussed

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above. Accordingly, applicant respectfully suggests that there is no motivation to combine these references.

In view of the foregoing, the applicant submits that claim 1 is allowable over Fassler and Daw.

Claims 8 and 9 depend indirectly from claim 1 and are believed to be allowable at least for the reasons discussed above with respect to claim 1.

For the reasons discussed above, the applicant respectfully submits that the application and all present claims are in condition for allowance and the allowance of the application is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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